IN RE: Petition for Zoning Variance S/S Orth Road, 470' E of Sparrows Point Road (7219 Orth Road) 15th Election District 5th Councilmanic District Nelda M. Dowdy

Petitioner

of the surrounding community.

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER \* OF BALTIMORE COUNTY

\* Case No. 92-47-A

\* \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1802.3.C to permit a building lot of 5,223 sq.ft. in lieu of the required 6,000 sq.ft. and a lot width of 50.1 feet in lieu of the required 55 feet for a proposed single family dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Anthony J. DiPaula, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 7219 Orth Road consists of 5,223 sq.ft. zoned D.R. 5.5 and is presently unimproved. Petitioner is desirous of constructing a single family dwelling on the property in accordance with that depicted on Petitioner's Exhibit 1. Petitioner testified she was raised on the adjoining property known as 7217 Orth Road and that she inherited the subject property when her father passed away in 1976. The subject property is part of the Crooms Subdivision which was recorded in 1947 with 50-foot wide lots, as evidenced by Petitioner's Exhibit 2, and as such, does not meet current zoning lot width and size requirements. Testimony indicated the relief requested will not result in any detriment to the health safety or general welfare

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

Petition for Variance

Property is to be posted and advertised as prescribed by Zoning Regulations.

Contract Purchaser/Lessee:

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this / day of October, 1991 that the Petition for Zoning Variance from Section 1802.3.C to permit a building lot of 5,223 sq.ft. in lieu of the required 6,000 sq.ft. and a lot width of 50.1 feet in lieu of the required 55 feet for a proposed single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at

> > - 2-

to the Zoning Commissioner of Baltimore County 92-47-A The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C to allow a single family building lot in D.R.5.5 zone with a net lot area of 5,223 sq. ft. in lieu of the required 6,000 sq. ft., and to allow a lot width of 50.1 ft. in lieu of the required 55 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The plat was laid out many years ago with 50-foot building lots, before the present standards were adopted. There are existing dwellings on either side. and the lot cannot be altered to meet present building standards.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County, I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this l'etition. Legal Owner(s): Nelda Merrier Dowdy X Jula Theres boardy Merrier Down

Anthony J. DiPaula, Covahey & Boozer, P.A 5014 Ready Avenue Baltimore, MD 21212 City and State Name, address and phone number of legal owner, con-614 Bosley Avenue tract purchaser or representative to be contacted

Anthony J. DiPaula ..... Towson, MD 21204 614 Bosley Ave., Towson, MD 21204 Attorney's Telephone No.: 828-9441 Phone No. 828-9441

MATED LENGTH OF HEARING -1/2HR.

AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS ORDER RECEIVED FOR FILING DATE 7/15/91

BEGINNING at a point on the south side of Orth Road which is 40 feet wide at the distance of 470.6 feet east of the center line of the nearest improved intersecting street being Sparrows Point Road which is a 50 foot right-of-way. Being also known and designated as Lot No. 26 as shown on the Plat of Solomon Crooms, which Plat is recorded among the Land Records of Baltimore County in Plat Book JWB No. 14, Folio 38, containing 5,223 square feet or 0.12 acres of land, more or less. Also known as 7219 Orth Road and located in the 15th Election District.

this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> Deputy Zoning Commissioner for Baltimore County

TMK:bjs

CERTIFICATE OF POSTING ZOHING DEPARTMENT OF BALTIMORE COUNTY

- 3-

Date of Posting 1 11/11 Date of return: Posted by



Dundalk, Maryland 21222 Dundalk, Md. August 29, 1991

1110

Baltimore County Zoning Office ATTN: Gwen Stephens Room 113, County Office Bldg. 111 West Chesapeake Ave. Towson, Md. 21204

Notice of Hearing

ADVERTISING

Case #92-47-A

August 29, 1991 - 62 lines-----\$31.00

P.I.N. #52-0891515

ZONING OFFICE

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

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111 West Chesapeake Avenue Towson, MD 21204

887-3353

October 15, 1991

Anthony J. DiPaula, Esquire 614 Bosley Avenue Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE S/S Orth Road, 470' E of Sparrows Point Road (7219 Orth Road) 15th Election District - 5th Councilmanic District Nelda M. Dowdy - Petitioner Case No. 92-47-A

Dear Mr. DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, butty Kotrow TIMOTHY M. KOTROCO

Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cetted at 111 W. Chesapealte Av-erus in Towson, Maryland 21204 as Inflower.

family building lot with a net area of 5,223 sq. ft. in lieu of the re-

lot width of 50.1 ft. in lieu of 55

Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel File

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication appearing on  $\underline{\mathcal{U}}_{\mathcal{A}}$   $\underline{\mathcal{A}}_{\mathcal{A}}$ , 19  $\underline{\mathcal{G}}_{\mathcal{A}}$ 

THE JEFFERSONIAN.

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- III West Chesapeake Avenue

Towson, MD 2120a

Nelda Merrier Dowdy 5014 Ready Avenue Baltimore, Maryland 21212

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Case Number: 92-4/-A 3/S Orth Road, 470° E of Sparrows Point Road 7219 Orth Road 15th Election District - 5th Councilmanic Petitioner(s): Nelda Merrier Dowdy HEARING: TUESDAY, OCTOBER 8, 1991 at 2:30 p.m.

Dear Petitioner(s):

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER

Anthony J. DiPaula, Esq.

BALTIMORE COUNTY, MARYLAND

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning A. 1 42 T

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1 West Chesanicake Avenue Few sect. MD (2), 2010

NOTICE OF HEARING

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-47-A S/S Orth Road, 470 E of Sparrows Point Road 7219 Orth Road 15th Election District - 5th Councilmanic Petitioner(s): Nelda Merrier bowdy HEARING: WEDNESDAY, OCTOBER 2, 1991 at 2:30 p.m.

Variance to allow a single family building lot with a net lot area of 5,223 sq. ft. in lieu of the required 6,000 sq. ft.; and to allow a lot width of 50.1 ft. in lieu of 55 ft.

Zoning Commissioner of Baltimore County

AUGUST 13, 1991

cc: Nelda Merrier Dowdy Anthony J. DiPaula, Esq.

Towson, MD 212a.

887 3353

111 West Chesapeake Avenue

NOTICE OF REASSIGNMENT

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

24 . di

CASE NUMBER(s): PROPERTY OWNER(s) LOCATION:

92-47-A Nelda Merrier Dowdy S/S Orth Road, 470 E of Sparrows Point Rd. 7219 Orth Road

September 11, 1991

887 3353

. . . . . . . .

THE ABOVE MATTER HAS BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS

TUESDAY, OCTOBER 8, 1991 at 2:30 P.M.

IN THE BALTIMORE COUNTY COURTHOUSE, 400 WASHINGTON AVENUE, ROOM 118, TOWSON, MARYLAND 21204.

ZONING COMMISSIONER BALTIMORE COUNTY

cc: Nelda Merrier Dowdy Anthony J. DiPaula, Esq.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

887-3353

September 25, 1991

Anthony J. DiPaula, Esquire Covahey & Boozer, P.A. 614 Bosley Avenue Towson, MD 21204

> RE: Item No. 40, Case No. 92-47-A Petitioner: Nelda Merrier Dowdy Petition for Variance

Dear Mr. DiPaula:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

cc: Ms. Nelda Merrier Dowdy 5014 Ready Avenue Baltimore, MD 21212

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

Your petition has been received and accepted for filing this

MKT 3353

Petitioner: Nelda Merrier Dowdy Petitioner's Attorney: Anthony J. DiPaula

25th day of July, 1991.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: September 5, 1991 Arnold Jablon Zoning Administation and

Development Management Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: Dowdy Property, Item No. 40

In reference to the petitioner's request, staff offers the following comments:

In instances such as these, staff's primary concerns are:

What is the impact on adjoining property?
 Are adequate front, side and rear yard setbacks being

provided on the site? 3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.

- Any applications for building permits shall include a copy of the site plan and the commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

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Baltimore County Government Fire Department

700 East Joppa Road, Suite 901 Towson, MD 2120+5500

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AUCUST 6, 1991

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Paltimore County Office Building Towson, MD 21204

RE: Property Owner: NELDA MERRIER DOWDY

#7219 ORTH ROAD Location:

Item No.:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Zoning Agenda: AUGUST 6, 1991

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 20, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for August 6, 1991

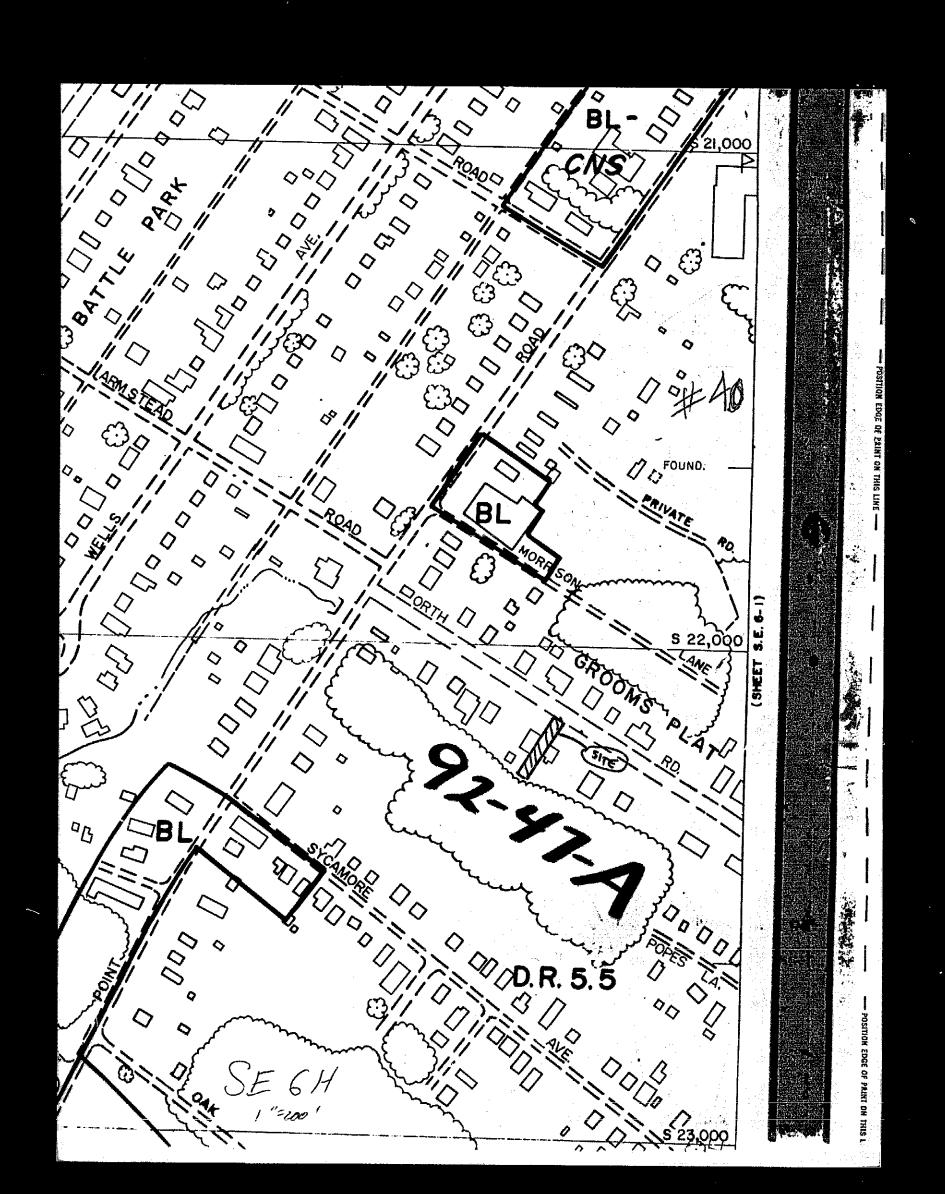
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 25, 28, 32, 33, 34, 36, 39, 40, 42, 43 and 44.

For Item 483 (Case No. 91-494-A), the previous minor subdivision comments are applicable.

For Items 35 and 37, revised County Review Group Plans are required.

Robert W. Bowling / DAK ROBERT W. BOWLING, F.E., Chief Developers Engineering Division

RWB:



Plat to accompany Petition for Zoning X Variance	Special Hearing
PROPERTY ADDRESS: 1214 JRTH FORE	
Subdivision name: CROOMS	JAN WA
plat book# 14 ,folio# 030 ,lot# 26 ,secion# 0	
OWNER: NELDA MERRIER DOWDY  ORTH POAD	SUBJECT TO PROPERTY OF THE PRO
5.0'5) DELAIK  -27#25 LOT#20 LOT#27	Vicinity Map  North scale: 1'=1000'
A MATO, L' TO LE OF SPARROWS POINT ROAD	LOCATION INFORMATION
	Gouncilmanic District: 6
PROPOSED EXIST.	Election District: 15
EXIST. DIMELLING NO. 7217 IN NO. 7217 IN NO. 7219  PROPOSED 2 STORY DIMELLING NO. 7221 IN	1"=200' scale map#: 分€ 6+H
18.5' 10.0' 30.0' W.O', 100' 30.0' \$ 10.0'	Zoning: DP 5.5
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3 10.0' ELOEMENT	yes no
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PETITIONER'S	Prior Zoning Hearings: NONE
EXHIBIT 1	Zanina Offica LICE ONLY
North SAMIDII	Zoning Office USE ONLY! reviewed by: ITEM #: CASE#:
date: II JUNE 1991	
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